

REMARKS

A typographical error of January 31, 2003, is repaired above to restore an original claim wording that cannot invoke any present Festo decision.

The suggestion in the Advisory Action of April 7, 2004, on how claims could overcome the continued rejection under 35 USC 103 for obviousness from the Sasao, et al. and Trajmar patents is adopted with thanks. Claim 1 now recites ion separation "within" a magnetic field.

While the applicant gratefully accepts the suggestion for allowability, the applicant maintains for Festo considerations that the change is non-narrowingly non-invocatory. For the same reason, the limitation is not new and, therefore, permitted after the finality of the Action, particularly as it places the application in condition for allowance as already indicated in the Advisory Action.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,

William R. Evans
c/o Ladas & Parry
26 West 61st Street
New York, New York
Reg. No. 25858
Tel. No. (212) 708-1930